

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. \_\_\_\_\_

NORIS AREVALO, JUAN AREVALO  
VILLALOBOS, ALVARO VILLALOBOS,  
TOMAS AVENDANO, SANDRA BAIRES,  
and all others similarly situated under 29 U.S.C.  
216(b),

Plaintiffs,

v.

HAVANA HARRY'S II INC., HAVANA  
HARRYS CORAL GABLES LLC., NIEVES  
FEAL, ARTHUR CULLEN, CARLOS  
CENTURION

Defendants.

**DEFENDANTS HAVANA HARRYS CORAL GABLES LLC AND  
CARLOS CENTURION'S NOTICE OF AND PETITION FOR REMOVAL**

Defendants, Havana Harrys Coral Gables LLC ("HHCG") and Carlos Centurion ("Centurion"), in accordance with 28 U.S.C. §§ 1331 and 1446, hereby files their Notice of and Petition for Removal (the "Notice"). HHCG and Centurion request that the Court remove this action filed by Plaintiffs, Noris Arevalo, Juan Arevalo Villalobos, Alvaro Villalobos, Tomas Avendano, and Sandra Baires (collectively "Plaintiffs"), in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida, Miami Division. The removal of this action is based upon the following:

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**I. RELEVANT FACTUAL BACKGROUND**

1. On or about December 16, 2022, Plaintiffs filed their Complaint in the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida bearing Case No. 2022-023921-CA-01 and styled *Noris Arevalo, Juan Arevalo Villalobos, Alvaro Villalobos, Tomas Avendano, and Sandra Baires, and all others similarly situated under 29 U.S.C. 216(b) v. Havana Harry's II Inc., Havana Harrys Coral Gables LLC, Nieves Feal, Arthur Cullen, Carlos Centurion* (hereinafter the "Circuit Court Case"). A true copy of the Complaint is attached hereto as Exhibit A. This document constitutes all pleadings and process served upon HHCG and Centurion in this action.<sup>1</sup> This document was the initial pleading served upon HHCG and Centurion setting forth the claims upon which Plaintiffs' action is based.

2. On January 13, 2023, HHCG and Centurion were served with the Complaint. Defendant Nieves Feal ("Feal"), Arthur Cullen ("Cullen"), and Havana Harry's II LLC ("HHII") were also served on January 13, 2023. This Notice is thus timely, having been filed within 30 days after HHCG and Centurion were served with the Complaint.

3. HHCG and Centurion have not filed an answer or other pleading in the Circuit Court Case. Feal, Cullen, and HHII filed an Answer on January 17, 2023. Plaintiffs have filed a motion to strike HHII's Answer, which is currently pending before the circuit court.

4. Plaintiffs filed their one (1) count Complaint claiming violation of the Fair Labor Standards Act ("FLSA"). *See* Complaint, at Count I.

5. Specifically, the Complaint alleges a violation of the FLSA for a failure to pay Plaintiffs proper overtime.

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<sup>1</sup> Defendants Nieves Feal, Arthur Cullen, and Havana Harry's II LLC filed an Answer on January 17, 2023. However, HHCB and Centurion have not yet appeared in the Circuit Court Case. Therefore, the Answer was not served on them.

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6. Because Plaintiffs allege a claim under the FLSA, this action is within the original federal question jurisdiction of the United States District Court pursuant to 28 U.S.C. § 1331. Thus, this action is removable pursuant to 28 U.S.C. § 1441(a).

7. Pursuant to 28 U.S.C. § 1446(d), HHCG and Centurion provided written notice of the removal to all adverse parties in this action by filing a copy of this Notice in the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida and via US Mail.

8. Additionally, as is required by 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon the defendants are attached to this Notice at Exhibits A and B.

9. A removal is not proper unless “all defendants who have been properly joined and served ... consent to the removal of the action.” 28 U.S.C. § 1446(b)(2)(A).

10. Co-Defendants Feal, Cullen, are representing themselves *pro se* and consent to the removal of this action. HHII consents to the removal of this action through its authorized counsel of record—Eddy Marban, Esq. Therefore, removal is proper.

WHEREFORE, Defendants respectfully requests that the United States District Court for the Southern District of Florida, Miami Division, accept the removal of this action from the Circuit Court in and for Miami-Dade County, Florida and direct that the Circuit Court has no further jurisdiction of this matter unless and until this case is remanded.

DATED this 10th day of February 2023.

Respectfully submitted,

JACKSON LEWIS P.C.

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/s/ Roman Sarangoulis

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Carlos Centurion*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document is being served on February 10th, 2023, on all counsel of record on the Service List below via transmission of Notices of Electronic Filing generated by CM/ECF

*s/ Roman Sarangoulis*  
Roman Sarangoulis, Esq.

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